

# IMPLEMENTATION TEAM MEETING NOTES

September 16, 2004  
NOAA Fisheries Offices, Portland, OR

## ***1. Greetings and Introductions.***

The September 16, 2004 Implementation Team meeting was held at the NOAA Fisheries offices in Portland, Oregon, chaired by Jim Ruff and facilitated by Donna Silverberg. The following is a summary (not a verbatim transcript) of the topics discussed and decisions made at this meeting. Please note that some of the documents and enclosures referenced may be too lengthy to attach to these notes; copies may be obtained by calling Kathy Ceballos at 503/230-5420.

## ***2. Updates.***

***A. In-Season Management (TMT).*** Rudd Turner said the Technical Management Team (TMT) had held two meetings in August and one so far in September, plus a two conference calls. Dworshak operations have been one topic of discussion; Dworshak released full powerhouse discharge through August 31, then reduced outflow to 7 Kcfs through September 15, then to 4.8 Kcfs currently. Discharge will be reduced further to 2.8 Kcfs on Friday night, then down to minimum outflow once the project reaches elevation 1520 some time next week. The current release temperature is 54 degrees F; that will go down to the mid-40s once the project goes to a single-unit operation.

At Libby, said Turner, we held a flat 12.5 Kcfs discharge until early this week; the project is now releasing a week-average outflow not to exceed 12.5 Kcfs, which allows some additional flexibility for weekly load-shaping. Libby outflow will not go below 9 Kcfs. We're continuing to discuss the October elevation at that project; the current elevation is 2444.8 feet, with higher-than expected inflows. That means Libby is likely to end September above its target elevation of 2439 feet, said Turner.

The TMT has also been working on the Bonneville spillway calibration issue, said Turner; the Corps is now planning to do that calibration during the last two weeks in October. Spill ended August 31 at midnight. TMT also discussed the end of MOP operations at Ice Harbor, Lower Monumental and Little Goose Dams; that was accomplished over the long Labor

Day weekend. Lower Granite continues to operate at MOP +1. The Nez Perce Tribe requested coordination with the Corps on that operation; there was a conference call, and General Grisoli sent the tribes a letter explaining the Corps' position on this issue.

At Albeni Falls, we agreed at yesterday's TMT meeting to draft to elevation 2055, rather than 2051, this winter, as per the 2003 Fish and Wildlife Service SOR, Turner continued. That draft will begin on Sunday or Monday. We also coordinated powerhouse outages for double testing and maintenance at Lower Monumental and Lower Granite, said Turner, and we have released a preliminary draft of the 2005 Water Management Plan. The date of the TMT's annual year-end review meeting was set for November 10. The actual average flow for the summer (July 1-August 31) period was 134 Kcfs at McNary, compared to an objective of 200 Kcfs. Actual average flow at Lower Granite was 33 Kcfs, compared to a June 21-August 31 objective of 50 Kcfs.

Dave Statler said that the Nez Perce Tribes have an ongoing concern about keeping the MOP operation going at the Lower Snake projects as long as the Dworshak flow augmentation is ongoing. Dworshak still has not reached elevation 1520, he said, so in our view, MOP operations should be continuing.

***B. Independent Scientific Advisory Board (ISAB).*** No report.

***C. Water Quality Team (WQT).*** No report.

***D. System Configuration Team (SCT).*** Bill Hevlin said the SCT is continuing to prioritize the construction items and studies in the FY'05 CRFM program, working to trim the list of high-priority items to a program level of approximately \$70 million, the expected FY'05 CRFM appropriation after savings and slippage are deducted. We're on track to provide the Corps a pretty well-defined list of projects by the end of September, he said. The major construction projects for FY'05 include the Ice Harbor RSW and fixing the lift gates at McNary; there are also many juvenile passage studies.

***E. TMDL Report.*** Ruff said he wanted to let the IT know that NOAA Fisheries has completed consultations with EPA on the FDR Lake and Mid-Columbia River TMDS, which is the last mainstem TMDL; with completion of this consultation, NOAA has now completed consultation on the TDG TMDLs for all of the mainstem Snake and Columbia River projects.

### ***3. Update on Northwest Power and Conservation Council's Consideration of Co-Sponsorship and/or Engagement in the Regional Forum.***

Doug Marker said the Council has been thinking about ways to revise and expand the Regional Forum process since it began the 2003 Mainstem Amendment process. Earlier this year, we turned our attention to the amendments that called for revisions to the Regional Forum process, he said; since then, Council staff has been working on a more fleshed-out concept for an expanded Regional Forum process. He distributed the Council's proposal, which was reviewed

and approved by the full Council at its August meeting. He distributed copies of this document (Enc. C).

The goals of the Council in this effort included improving the transparency and accountability for decision-making by the federal executives, as well as the incorporation of a broader decision-making scope than simply implementing the Biological Opinion, and to improve decision-making and analysis at a higher policy level, Marker said. The Amendments called for Council co-sponsorship of the Regional Forum process; as you're aware, he said, in recent years, the Council hasn't directly participated in the Regional Forum.

One specific proposal is the re-creation of a Regional Executive Committee, including the highest policy-level representation from all participating entities, said Marker. This would assume a fair amount of staff and logistical support on the Council's part. It could also create a combined management/technical forum, combining the functions of TMT, SCT and IT.

The Council proposal also addresses decision-making, recognizing that decision-making is the responsibility of the responsible federal agencies, he continued. The perception of the Council members is that the desire to seek consensus at the Regional Forum doesn't recognize that the federal agencies have the ultimate decision-making authority. The Council's goal is to air all of the competing viewpoints in a meaningful way, then require greater accountability and transparency on the part of the decision-makers. We don't see the Executive Committee as being involved in day-to-day, week-to-week decision-making; rather, it would look at policy issues with a longer time horizon, in some cases, years down the road.

We would also like to see fuller discussion of system configuration decisions, which, in our view, would improve support in Washington D.C. for the funding process, Marker said. The overall goal is to improve transparency, accountability, analysis and discussion of these issues within the Regional Forum process. The action we will be seeking from the federal agencies is a willingness to restructure and participate at this level, said Marker. It is a process to support very serious discussion, warranting the participation of the states and tribes. We see the Regional Executives meetings as taking place quarterly or half-yearly, with intensive advance preparation and analysis. Again, the goal is not to obtain consensus, but to ensure accountability on the part of the decision makers.

In terms of next steps, said Marker, we need to seek the input of everyone here, and to work with you to further flesh out the details of how a restructured Regional Forum would operate. We also need to seek the input of the states and tribes on this proposal, he said.

I'm a little unclear about the separation you would get by dissolving TMT and IT, which, for the most part, work pretty well, said Jim Athearn. I don't understand why you would need to dissolve the ongoing working groups and change the parts of the system that are already working, he said – to me, it would be more helpful if the Council were to participate in the system, rather than changing it so fundamentally. Again, said Marker, what we're after is a more deliberate Regional Executives process, rather than the ad hoc process that currently exists. The focus, from our perspective, is on those meetings; we feel that the work of the subgroups

should focus on preparing for the Regional Executives meetings. With respect to the subgroups, we feel there is an opportunity for greater efficiency, and for broader regional participation, through restructuring.

I don't understand what would fill the void if we simply dissolve TMT, IT and SCT, said Howard Schaller – what about in-season management, in the interim? If you're trying to get something the states, tribes and federal parties agree to, that will take time; in the interim, there are pressing issues, in both the short and long terms, that need to be addressed. If your goal is a Regional Forum that is accountable, and takes the views of the states, tribes and federal parties into better account, it's going to take time to negotiate that.

One of the purposes of combining the existing management and technical groups is clarity of focus on what is the question, said Marker – it's a focus on transparency and accountability, rather than on consensus. There is an efficiency to having a single supporting forum to undertake assignments from the Executive Committee, he said, and that improved focus is the reason for this suggestion. It might be better to focus on what you're trying to achieve, Schaller observed, rather than starting on how the system should be restructured. I hear your point, said Marker; obviously we need to have some further discussion of the details.

When you talk about clarity of focus, greater transparency and accountability, said Ruff, the existing groups make recommendations to the Federal action agencies, not decisions. If we can't reach consensus on an issue, it moves up the chain. In my view, we've already got a process with the transparency you seek. Also, what do you mean "better-quality" decisions? Ruff asked. You understand what the decision is, who's going to make it and how, Marker replied, with the fuller input of all parties, and better understanding of the analysis underlying the decision, with an opportunity to provide comments on that analysis before the executives make their decision.

To me, that sounds a lot like executive-level entities that we've already tried and abandoned like FOEC, for very good reasons, Athearn observed. Again, said Marker, our belief is that, to justify the regular participation of all of the regional executives, you need focused and intensive staff work in advance of each meeting. With the exception of true emergencies, you can anticipate the issues that are coming up, and provide better decision-making support for those meetings.

It sounds as though the Council is calling for a more regular, formal Executive Committee, said Silverberg; that is something that was anticipated in the Regional Forum guidelines. Mary Lou Socia said that, while she agrees with the Council's objectives, over the last 10 years, it has become clear that water quality improvements are essential to the recovery of listed species. We now have water quality issues being addressed through the Regional Forum process and, more recently, in the BiOp remand process. At EPA, we feel that the Council has been completely disinterested in water quality issues, and when you talk about the Council taking a more intimate role in Regional Forum decision-making, red lights flash for me. Marker replied that one of the major reasons for making this change is to expand the breadth of the issues considered in the decision-making process.

Ruff said he would like to take the input of the states and tribes on this proposal; I think we need to come back to this and have some further discussion, he said. As an old warrior who has participated in many incarnations of the Regional Forum process, said Ruff, you'll need to help me understand this proposal. The Council hasn't participated in a meaningful way in the Regional Forum process since the late 1990s; we need to better understand how and why you want to change the process. In particular, he said, I would like to understand your proposal to integrate the TMT, IT and SCT. On the transparency/accountability issue, the overall goal of the Regional Forum is to provide improved transparency in system configuration, operational and water quality decisions. Our meetings are open to the public, we have notes taken, and they are distributed widely, he said. As far as the water quality issue goes, I did not see anything in your proposal about the Water Quality Team or the Water Quality Plan Work Group – the Council needs to take that into account, as Mary Lou said, said Ruff. I would encourage you to look at what our guidelines already say. I would like to have the opportunity to sit down with you and other Council staff to better understand your concerns about the Regional Forum, and what problem you hope to address, Ruff said – I believe it would take the region backwards if we change to some sort of a vote-taking or positional process.

I wasn't suggesting vote-taking, said Marker – that's the whole point. What we were looking at is, why did the Regional Executive Committee stop working? The way that group has met lately hasn't been a good example of well-prepared, transparent decision-making.

Jim Litchfield said that, from listening to this discussion, the tone seems a bit defensive. He said he doesn't share the view that the TMT and IT are functioning efficiently; he sees a lot of room for improvement. This is an incredibly complex system, he said; I don't think the existing process serves all of the competing needs, issues and viewpoints in the region very well. He encouraged the Council to continue to engage in the re-shaping of the Regional Forum process.

Is there a definition of "transparency and accountability," or of the objectives surrounding those concepts, in your proposal? asked Suzanne Cooper. It seems to me that we need to get to a common understanding and agreement on what those words mean, she said. I think I'd like to focus on what could be done better, rather than on what's wrong, Marker replied. I am aware of the current Regional Forum guidelines; to me, accountability means that the decision-makers need to ensure a full understanding of the analysis underlying the decision, and a sense that all competing viewpoints have been fully aired and considered. Transparency also goes to better staff work, articulated over a longer period – the analysis that leads up to the decision being made. That means working with others outside your internal staffs, and laying out a clear timeline for the decision, as well as holding an ongoing, executive-level dialogue that includes all of the regional sovereigns, said Marker. One thing that is remarkable about this region is that we do use inter-agency teams readily. However, when the legal process mandates a decision, the decision-making process becomes less collaborative, and less transparent. He cited the Action Agencies 2004 effort to modify the summer spill program and summer operations at Libby and Hungry Horse as examples of the kind of executive-level decision-making the Council would prefer to transition away from in the future.

Rick Mogren said that, first of all, the Council should be applauded for its courage in putting this issue back on the table. He agreed with Litchfield that this is a tremendously complex resource, which cuts across state, tribal and international jurisdictions. He said his concern is an institutional unwillingness to invest appropriate authority in a true Regional Forum process. It's a paradox, he said, and the reason the IT, TMT and other groups work relatively well is that they avoid that paradox. Whatever you come up with will either have to avoid or resolve that paradox, Mogren said; we would like to continue to work with you to bring this concept to a successful fruition.

Dave Statler said that, as was previously mentioned, there are governance issues involved in the operation of the FCRPS; at first blush, he said, I don't see this proposal as resolving those concerns. However, collaboration is good, he said – let's keep talking.

Tom Iverson said he has talked to a lot of people while this proposal was being developed; the real-time abilities of the Regional Forum, in its current incarnation, are its strength. What's missing is the criteria for those decisions. We know what the upcoming issues are; what we need are criteria, a clear framework, for making those decisions. What I've gotten out of my conversations on this issue is that the group Doug is proposing might be the entity that builds those criteria, and that advance planning, Iverson said. Rather than eliminating the Regional Forum, he said, it makes sense to me to engage in the kind of long-term planning and preparation the Council envisions as a way to alleviate the perceived problems with the Regional Forum.

Where is the Council in terms of process? asked another participant. The Council gave us guidance in August to go ahead and try to implement this, Marker replied. I'll be looking at opportunities to see acknowledgement of this proposal in various documents, including the new BiOp and its implementation plan. I will also welcome any ideas or input various regional entities might have. I'll then go back to the Council, once taking that input, and talk to the Council about what they need to do. We need to discover whether those entities see value in this proposal, and in participation in a re-envisioned Regional Forum process. Obviously there is further work to be done, and many areas that still need to be fleshed out. This proposal is not a charter, said Marker – we need to discover whether the states, tribes and federal entities see value in participation in such a process.

So the Council agreed with the objectives of the proposal, or with the concept you've outlined here? Cooper asked. The objectives are in the Amendments, which have already been approved by the Council, Marker replied. At their August meeting, the Council also endorsed the overall structure we propose, Marker said. Athearn said that, in his view, there needs to be a significant amount of staff-level discussion before this proposal is presented at the executive level. It was agreed that Marker will meet with NOAA staff, as well as state and tribal staffs, to take their input, and that the IT will discuss the Council proposal further at its next meeting.

#### ***4. Presentation and Discussion of Revised 2000 FCRPS Biological Opinion.***

Chris Toole said NOAA Fisheries has been meeting with various tribal entities to discuss the draft 2004 Biological Opinion remand; he said that, at today's meeting, NOAA hoped to take input from the technical representatives of the states, tribes and other federal entities. He noted that the final draft is due to the court on November 30; in order to complete this BiOp on that schedule, we have requested comments by October 8.

We strongly encourage you to submit your written comments by that date, said Ruff; the later we receive comments, the less time we'll have to take them into consideration as the BiOp is revised. We are particularly interested in technical comments from our co-managers, Toole said; to that end, we have set up a number of meetings with the states, tribes and others. On October 5, 8 and 15, we have set up meetings with senior state and tribal policy-level representatives to go over some of the major issues; hopefully the briefings we've scheduled in the interim, such as today's, will help you, as technical staff, in your briefings to those policy-level personnel, said Toole. In particular, he encouraged everyone to read Section 1.2, Chapters 5 and 6, table 6.9, and Chapters 7, 8, 10 and 12 of the BiOp closely.

Toole, together with Athearn, Cooper, Ruff and others, then provided a presentation titled "FCRPS 2004 Biological Opinion – Technical Presentation," dated September 2004 (Enc. D). This presentation touched on the following major topic areas (please refer to Enclosure D for additional details; the presentation is also available via the [salmonrecovery.gov](http://salmonrecovery.gov) website):

- Overview for today
- Draft BiOp schedule
- General approach of the BiOp (flow chart)
- Orientation of the BiOp – key sections
- Application of the jeopardy standard
- Steps in analysis of effects of proposed action (flow charts)
- Adverse modification of critical habitat
- The action agencies' Updated proposed action

Does the updated proposed action contemplate changes to the summer spill program? one participant asked. No, Athearn replied. In response to a question from Litchfield, Eric Braun said the adaptive process exists to pursue and evaluate revised operations at the Montana projects; however, for now, what is being proposed is consistent with the Libby and Hungry Horse operations in the 2000 BiOp. Are RSWs envisioned as in addition to existing spill operations, or will RSW operation mean a reduction in spill? Statler asked. The best way to answer that is it isn't so much spill volume as spill timing and application, Athearn replied – we look to RSWs to be both more effective in passing fish safely, and more efficient in how the available spill volume is used. So in terms of filling the "gap," you're looking to the RSWs to be more effective than the existing spill program? Statler asked. Correct, Athearn replied. So the purpose of the RSWs is to increase survival, not simply to maintain the current survivals while reducing spill volumes? Iverson asked. That's correct, Athearn replied.

With respect to the predator control measures listed under the action agencies' proposed action, Russ Kiefer noted that assessing biological effects is extremely complex; for example, if

you remove all cormorant predation, cormorants also eat juvenile northern pikeminnow, which could actually lead to an increase in pikeminnow predation on salmon. My point is that it isn't necessarily scientifically valid to assume a biological benefit from increased predator removal efforts and other biological effects, Kiefer said. We encourage comments on the predation component of the analysis in particular, said Toole. Also, said Iverson, are the habitat actions included in the proposed action over and above the existing and ongoing habitat actions? It includes both existing and proposed future actions, Ruff replied. Those efforts are not intended to fill the "gap," added Lori Postlewait – they are a conservation measure for salmon.

Is the Snake River sockeye safety-net hatchery program the only artificial production program specifically referenced in the new BiOp? Litchfield asked. At this time, yes, but we're open to other proposals, Cooper replied.

I've heard it said that all 199 RPAs in the 2000 BiOp are contained in this proposed action, said Statler – have you done an analysis to verify that? We are currently preparing a cross-walk of the 199 action items, a table saying whether each item on the list has been completed or not, whether or not they're in the UPA, and, if not, why not. Our goal is to produce that by the end of this month, Athearn said.

The presentation then moved on to:

- Assessment to guide yearly operations

With the respect to the "post-season assessment" portion of this slide, what happens if we happen to kill a lot of fish in a given year – how does that affect the planning for the next season? another participant asked. Each year, we will set the performance standards for the BiOp, Ruff replied; in addition, we have scheduled check-ins for 2007 and 2010, during which we will assess whether or not those performance standards are being met. To be honest, some of those details are still being worked out, and we welcome comments on this point, he said. But the main performance assessments will occur at the 2007 and 2010 check-ins, not on an annual basis.

The presentation then moved on to:

- Habitat metrics in the Updated Proposed Action
- Reporting in the draft BiOp
- Proposed hydro actions and the Reference Operation
- Comparison of Lower Granite Dam discharge under the reference operation and the proposed action (graph)
- Comparison of Priest Rapids Dam discharge under the reference operation and the proposed action (graph)
- Comparison of McNary Dam discharge under the reference operation and the proposed action (graph)
- Comparison of Bonneville Dam discharge under the reference operation and the



- proposed action (graph)
- Proposed hydro actions and the reference operation – spill for fish passage, fish transport operations, system configuration improvements.
- Gap analysis – Snake River yearling chinook – 2004 proposed vs. reference operation (graph)
- Gap analysis – Snake River yearling chinook – 2010 proposed vs. reference operation (graph)
- Gap analysis – Upper Columbia yearling chinook – 2004 proposed vs. reference operation (graph)
- Gap analysis – Upper Columbia yearling chinook – 2010 proposed vs. reference operation (graph)
- Gap analysis – Snake River steelhead – 2004 proposed vs. reference operation (graph)
- Gap analysis – Snake River steelhead – 2010 proposed vs. reference operation (graph)
- Gap analysis – Upper Columbia steelhead – 2004 proposed vs. reference operation (graph)
- Gap analysis – Upper Columbia steelhead – 2010 proposed vs. reference operation (graph)
- Gap analysis – Snake River subyearling chinook – 2004 proposed vs. reference operation (graph)
- Gap analysis – Snake River subyearling chinook – 2010 proposed vs. reference operation (graph)
- Properly defining environmental baseline for non-hydro
- Properly defining cumulative effect for non-hydro
- Proposed non-hydro actions and the “gap”
- Tributary habitat – 5 steps in analysis
- Proposed non-hydro actions and the “gap” habitat ratings
- Estuary habitat
- Potential improvements from off site in the estuary
- Assessment of potential from estuary actions by ocean vs. stream (table, by species)
- Evaluating the UPA
- Evaluating the UPA – tributary
- UPA metric goals for UCR S/S chinook (table)
- UPA metric goals for SR s/S chinook and steelhead (table)
- UPA metric goals for Mid-Columbia steelhead (table)
- Proposed non-hydro actions and the “gap” – estuary-UPA estuary habitat projects
- Estuary predation (terns)
- Potential improvements from off-site in the estuary
- Predation (fish)
- Net effects of actions and jeopardy determinations
- Qualitative categories for potential improvements in VSP characteristics (table)
- Table 6.9
- Factors considered for “appreciably reduce” determination.

The number one change between this BiOp and the 2000 BiOp is that most of the effects

of the federal hydrosystem are now considered part of the environmental baseline, rather than a part of the proposed action, Toole said.

The group devoted a major block of discussion time to the reference operation and the gap analysis. Russ Kiefer asked whether it would be possible for NOAA to do a supplemental gap analysis in an effort to determine how much of the recent improvement in adult survival and returns is due to 2000 BiOp implementation, and how much is due to improved ocean conditions, comparing the period 1994-1997, when ocean productivity was low, with the 1998-2004 period, when ocean productivity has been higher. The gap analysis is based on empirical juvenile reach survivals, Ruff replied; however, to the extent that we calibrated the model correctly, it should incorporate the effects you referenced. Kiefer said such a retrospective gap analysis would help answer many of the questions he has received from IDFG policy personnel. We would welcome such a suggestion – please send it to us, Ruff replied.

Ruff added that, under the UPA, in 2007-2008, the action agencies are proposing to initiate both an in-river/transport survival study and a study that looks more closely at the yearling and subyearling forms of the Snake River fall chinook. These studies should help answer many of the key questions surrounding the UPA, said Ruff.

Ruff was asked what NOAA Fisheries did with the Upper Snake basin in the reference operation and the UPA. In both the reference operation and the UPA, we assumed current operation, which was up to 427 kaf in summer flow augmentation volume from the Snake above Milner, Ruff replied, noting that the Upper Snake is being covered under a separate Section 7 consultation between Reclamation and NOAA.

In response to a question, Rob Walton noted that, with the exception of Snake River sockeye, in getting to its no jeopardy determination and in the measures designed to “fill the gap,” the 2004 BiOp does not rely on hatcheries to provide benefit. He added that NOAA Fisheries’ Status Review and Hatchery Listing Policy is also out for review; if those are adopted, it would change the nature of some ESUs by including hatchery fish, which are currently not listed. Walton said that, although NOAA was reluctant to rely on hatcheries to get to no jeopardy in this Opinion, that doesn’t mean NOAA does not value hatchery programs, or that the action agencies will not continue to fund them.

I know we’ve thrown a lot at you today, said Ruff; if you have any follow-up questions that would help shape your comments, please call us directly. He thanked everyone for their time and input at today’s meeting.

### ***5. Next IT Meeting Date.***

The next meeting of the Implementation Team was set for Thursday, November 4. Meeting summary prepared by Jeff Kuechle, BPA contractor.